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Attorneys for Defendant
JPMORGAN CHASE BANK, N.A.,
As Acquirer of Certain Assets and Liabilities of
Washington Mutual Bank

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ACTUATE CORPORATION, a Delaware
corporation,

Plaintiff,

v.

JPMORGAN CHASE BANK, N.A., a Delaware
corporation, as Acquirer of Certain Assets and
Liabilities of WASHINGTON MUTUAL
BANK, a Washington corporation,

Defendant.

CASE NO.: CV 08-2918 SI

**STIPULATION REGARDING
MEDIATION**

Hon. Susan Illston

Complaint Filed: June 11, 2008
Trial Date: December 7, 2009

1 Plaintiff Actuate Corporation (“Actuate”) and Defendant JPMorgan Chase Bank, N.A., as
2 Acquirer of Certain Assets and Liabilities of Washington Mutual Bank (“Washington Mutual”),
3 hereby submit this stipulation regarding mediation.

4 (1) *Recent Mediation*: The parties attended a mediation in May 2009; the case did not
5 settle at that time;

6 (2) *Recent CMC*: During a June 24, 2009 CMC, the Court ordered the parties to
7 “participate in a further mediation session during the week of August 17, 2009, or before August
8 26, 2009,” and to file a stipulation regarding their plans;

9 (3) *September 11 Mediation*: The parties hereby stipulate to a September 11, 2009
10 mediation session before Anthony Piazza, and have so informed Daniel Bowling of the Court’s
11 ADR Program. Dates between August 17 and August 26, 2009 were either unavailable or
12 conflicted with the parties’ respective schedules.

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14 Dated: August 12, 2009

WILSON SONSINI GOODRICH & ROSATI
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17 By: /s/ James A. DiBoise
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22 Dated: August 12, 2009

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26 Attorneys for Defendant
JPMorgan Chase Bank, N.A.,
27 As Acquirer of Certain Assets and
28 Liabilities of Washington Mutual Bank

I, Charles T. Graves am the ECF User whose identification and password are being used to file this STIPULATION REGARDING MEDIATION. In compliance with General Order 45.X.B, I hereby attest that Benjamin K. Riley has concurred in this filing.

Dated: August 12, 2009

WILSON SONSINI GOODRICH & ROSATI
Professional Corporation



By: /s/ Charles T. Graves
Charles T. Graves

Attorneys for Plaintiff
Actuate Corporation